

1857

## Grant of Lands to the Minnesota and Pacific R.R. Co. and Others: Together with Act of Congress

United States United States

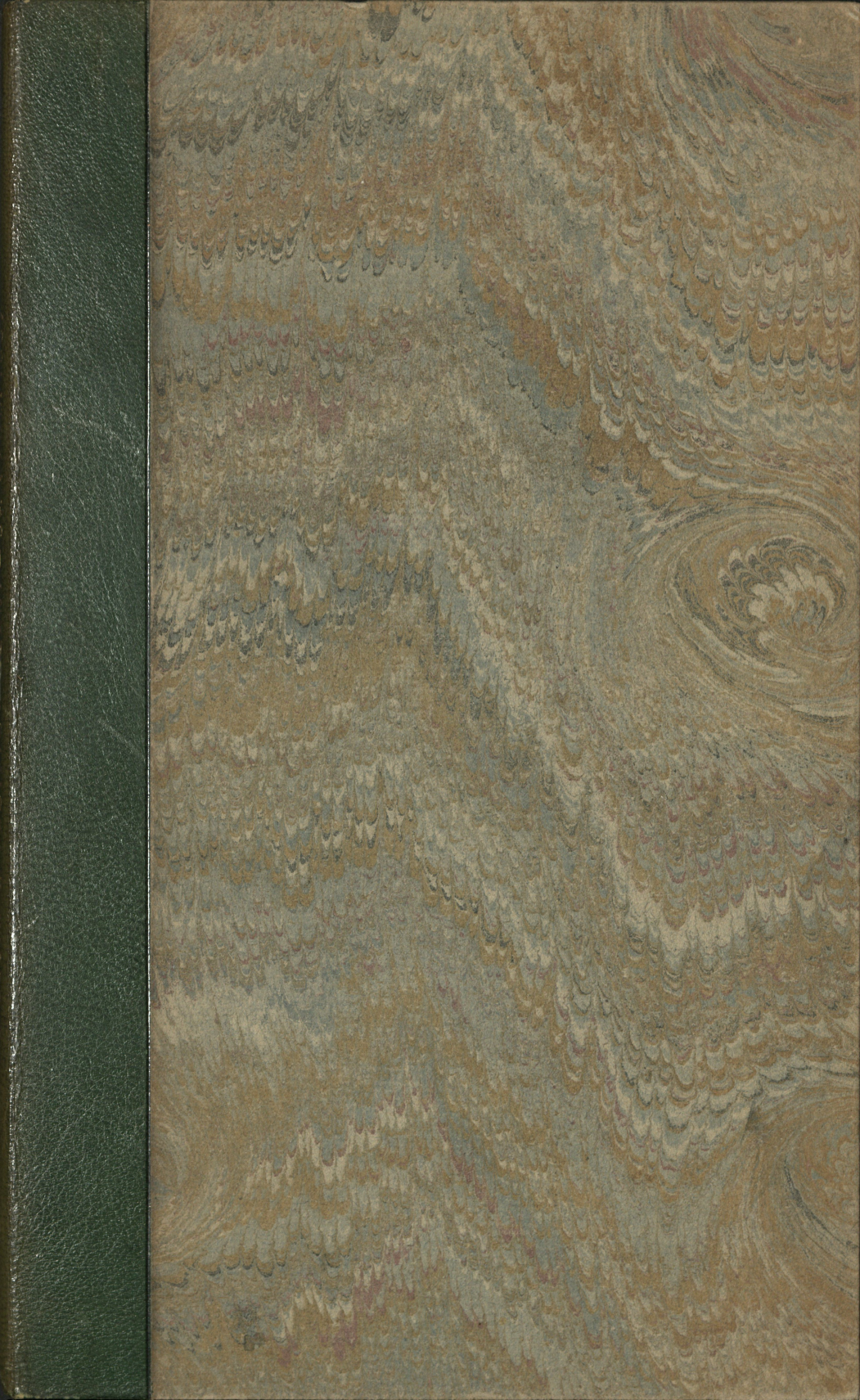
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# GRANT OF LANDS

*Very rare*

TO THE

MINNESOTA AND PACIFIC R. R. CO.

AND OTHERS.

TOGETHER WITH

ACT OF CONGRESS

IN RELATION TO THE SAME,

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SAINT PAUL:  
GOODRICH, SOMERS & CO., PRINTERS.

PIONEER AND DEMOCRAT OFFICE.

1857.



GRANT OF LANDS

MINNESOTA AND PACIFIC R. CO.

AND OTHERS.

TOGETHER WITH

ACT OF CONGRESS

IN RELATION TO THE SAME.

GEORGE F. JOHNS & CO. PRINTERS  
ST. PAUL, MINN.

1877



## AN ACT

MAKING A GRANT OF LAND TO THE TERRITORY OF MINNESOTA, IN ALTERNATE SECTIONS, TO AID IN THE CONSTRUCTION OF CERTAIN RAILROADS IN SAID TERRITORY, AND GRANTING PUBLIC LANDS, IN ALTERNATE SECTIONS TO THE STATE OF ALABAMA, TO AID IN THE CONSTRUCTION OF A CERTAIN RAILROAD IN SAID STATE.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:* That there be, and is hereby granted to the Territory of Minnesota, for the purpose of aiding in the construction of Railroads, from Stillwater, by way of Saint Paul and Saint Anthony, to a point between the foot of Big Stone Lake and the mouth of Sioux Wood river, with a branch via Saint Cloud and Crow Wing, to the navigable waters of the Red River of the North, at such point as the Legislature of said Territory may determine—from Saint Paul and from Saint Anthony, via Minneapolis, to a convenient point of junction West of the Mississippi, to the Southern boundary of the Territory in the direction of the mouth of the Big Sioux river, with a branch, via Faribault, to the North line of the State of Iowa, West of range sixteen: from Winona, via Saint Peter, to a point on the Big Sioux river, South of the forty-fifth parallel of North Latitude: also from La Crescent, via Target Lake, up the valley of Root river, to a point of junction with the last mentioned roads, East of range seventeen, every alternate section of land, designated by odd numbers, for six sections in width on each side of each of said roads and branches; but in case it shall appear that the United States have, when the lines or routes of said roads and branches are definitely fixed, sold any sections, or any parts thereof, granted as aforesaid, or that the right of pre-emption has attached to the same, then it shall be lawful for any agent or agents, to be appointed by the Governor of said Territory or future State, to select, subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to the tiers of sections above specified, so much land, in alternate sections, or parts of sections, as shall be equal to such lands as the United States have sold, or otherwise appropriated, or to which the rights of pre-emption have attached, as aforesaid; which lands (thus selected in lieu of those sold, and to which pre-emption rights have attached, as aforesaid, together with the sections, or parts of sections, designated by odd numbers, as aforesaid, and appropriated as aforesaid,) shall be held by the Territory or future State of Minnesota, for the use and purpose aforesaid; *Provided*, That the land to be so located shall, in no case be further than fifteen miles from the lines of said roads or branches, and selected for and on account of each of said roads or branches; *Provided further*, That the lands hereby granted for and on account



of said roads and branches, severally, shall be exclusively applied in the construction of that road for and on account of which such lands are hereby granted, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose whatsoever; *And provided further*, That any and all lands heretofore reserved to the United States, by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same are hereby reserved to the United States from the operation of this act, except so far as it may be found necessary to locate the routes of said railroads and branches through such reserved lands, in which case the right of way only shall be granted, subject to the approval of the President of the United States.

SEC. 2. *And be it further enacted*, That the sections and parts of sections of land which by such grant shall remain to the United States, within six miles on each side of said roads and branches, shall not be sold for less than double the minimum price of the public lands when sold; nor shall any of said lands become subject to private entry until the same shall have been first offered at public sale at the increased price.

SEC. 3. *And be it further enacted*, That the said lands hereby granted to the said Territory or future State shall be subject to the future disposal of the Legislature thereof for the purposes herein expressed, and no other; and the said railroads and branches shall be and remain public highways for the use of the Government of the United States, free of toll or other charge upon the transportation of any property or troops of the United States.

SEC. 4. *And be it further enacted*, That the land hereby granted to said Territory or future State shall be disposed of by said Territory or future State only in the manner following, that is to say: that a quantity of land not exceeding one hundred and twenty sections for each of said roads and branches, and included within a continuous length of twenty miles of each of said roads and branches, may be sold; and when the Governor of said Territory or future State shall certify to the Secretary of the Interior that any twenty continuous miles of any of said roads or branches is completed, then another quantity of land hereby granted, not to exceed one hundred and twenty sections for each of said roads and branches having twenty continuous miles completed, as aforesaid; and included within a continuous length of twenty miles of each of such roads or branches, may be sold; and so from time to time, until said roads and branches are completed; and if any of said roads or branches is not completed within ten years no further sale shall be made, and the lands unsold shall revert to the United States.

SEC. 5. *And be it further enacted*, That the United States Mail shall be transported over said roads and branches, under the direction of the Post Office Department, at such price as Congress may by law direct; *Provided*, That until such price is fixed by law the Postmaster General shall have the power to determine the same.

SEC. 6. *And be it further enacted*, That in case any lands on the line of said roads or branches are within any Indian Territory, no title to the same shall accrue, nor shall the same be entered upon



the authority of said Territory or State until the Indian title to the same shall have been extinguished.

SEC. 7. *And be it further enacted*, That there be, and is hereby, granted to the State of Alabama, for the purpose of aiding in the construction of a railroad "from the line of Georgia on the Chattahoochee river, to the city of Mobile, Alabama," through the counties of Henry, Dale, Coffee, Covington, Conecuh, Baldwin and Mobile, and a branch railroad from Eufaula to Montgomery, through the counties of Barbour, Pike, Macon and Montgomery," chartered by the State of Alabama, by an act entitled "an act to authorize the Savannah and Albany Railroad Company to extend their railroad from the line of Georgia, on the Chattahoochee river, to the city of Mobile, Alabama, and to extend a branch road from Eufaula to Montgomery," approved December twentieth, eighteen hundred and fifty-three, alternate sections of the public lands to the same extent, and in the same manner, and upon the same limitations and restrictions in every respect as was granted to aid in the construction of other railroads under an act of Congress entitled "An act granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads in said State)," approved June three, eighteen hundred and fifty-six.







# AN ACT

TO EXECUTE THE TRUST CREATED BY AN ACT OF CONGRESS ENTITLED "AN ACT MAKING A GRANT OF LAND TO THE TERRITORY OF MINNESOTA IN ALTERNATE SECTIONS, TO AID IN THE CONSTRUCTION OF CERTAIN RAILROADS IN SAID TERRITORY, AND GRANTING PUBLIC LANDS IN ALTERNATE SECTIONS TO THE STATE OF ALABAMA, TO AID IN THE CONSTRUCTION OF A CERTAIN RAILROAD IN SAID STATE," AND GRANTING CERTAIN LANDS TO RAILROAD COMPANIES THEREIN NAMED.

*Be it enacted by the Legislative Assembly of the Territory of Minnesota :*

## CHAPTER I.

SECTION 1. All such persons as shall become stockholders in the company hereby incorporated, shall be and are hereby created and declared a body politic and corporate by the name and style of the Minnesota and Pacific Railroad Company, and by that name shall have perpetual succession, and shall have and enjoy all the powers, privileges, franchises and immunities, incident to a corporation ; may acquire by purchase or otherwise, and hold, convey, sell and lease, property and estates, either real or personal, or mixed ; may make, have and use a common seal, and alter or renew the same at pleasure ; may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended against, contract and be contracted with, and shall never set up the defence of usury to any contract in any court, and generally may do and perform, all and singular, the acts and matters which shall be necessary and conducive to the well being of said corporation.

SEC. 2. The said corporation is hereby authorized and empowered to survey, locate, construct, complete, alter, change the location of, reconstruct, maintain and operate, a Railroad with one or more tracks or lines of rails on such route and with such alignment and graduation as said company shall think proper, from Stillwater, by way of St. Paul and Saint Anthony, via Minneapolis, to the town of Breckinridge on the Sioux Wood River, with a branch from St. Anthony via Anoka, St. Cloud and Crow Wing, to St. Vincent, near the mouth of the Pembina River.

SEC. 3. The said corporation shall have the right to enter upon any lands for the purpose of making surveys and for the right of way, and may appropriate to its sole use and control for the purposes contemplated herein, land not exceeding two hundred feet in width throughout the entire length of its said railroads, may enter upon and take possession of, and use all and singular, any lands, streams and materials of every kind beyond the width of two hundred feet for the location and construction of depots and stopping stages, station grounds and houses, and for the purpose of constructing bridges, dams, embankments, excavations, spoil-banks, turn-outs, engine houses, shops and other buildings, necessary for the constructing, completing, altering, maintaining, preserving and complete operation of said railroads, all such lands, waters, materials and privileges belonging to the Territory or future State of Minnesota, are hereby granted to said corporation for said pur-



poses, and this act shall be sufficient notice to all persons claiming any interest in the same, but lands owned or belonging to any person, company or corporation, may be taken and appropriated for the purposes aforesaid, and shall be valued and paid for in the manner hereinafter provided.

SEC. 4. The capital stock of said corporation shall be five millions of dollars, divided into shares of one hundred dollars each, which shall be deemed personal property, and may be issued and transferred in such manner and at such places as may be ordered and provided by the Board of Directors; who shall have power to require the payment of sums subscribed by the stockholders of such amount, in such manner, at such times and on such terms as they deem proper; and on refusal or neglect on the part of stockholders or any of them to make payment agreeably to such requisitions, the share or shares of such delinquents may, after thirty days public notice, be sold at public, under such rules as said Board of Directors may prescribe, the surplus money, if any, remain after deducting the payments due, with interest, and the necessary costs of sale, to be paid to such delinquent stockholder. The Board of Directors hereby appointed shall cause books to be opened for the subscriptions to said stock in the city of Saint Paul, upon the acceptance of this charter, of which notice shall be given by publication in two or more newspapers published in Saint Paul, and in one or more published in St. Anthony, and said books shall remain open ten days thereafter, and the said directors may thereafter also cause books to be opened in such manner and at such other places and times as they shall direct; and may, from time to time, increase the capital stock to an aggregate amount not exceeding twenty millions of dollars, whenever they may deem it expedient for the operations of said corporation to make such increase.

SEC. 5. All of the affairs of said corporation shall be managed by a board of fifteen Directors, who shall be stockholders and a majority of whom shall be citizens of the Territory and who are hereby invested with all the powers of said corporation; they shall be chosen annually by ballot by the stockholders, at the annual meeting of the company, which shall be held on such notice and at such time as shall be prescribed by the by-laws, and at such place as shall be prescribed by the Board of Directors and stated in such notice. The votes shall be delivered in person or by proxy duly authorized, and in all cases in which stockholders shall vote, each share of stock shall be entitled to one vote, and in all elections for Directors, those stockholders equal to the number to be elected, having the greatest number of votes shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company, and if from any cause an election of Directors shall not be had at the time when, by the provisions of this act, or by the by-laws of said corporation it should be had, the same may be held at any other time on notice to be given, as aforesaid; and until such election be had the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit nor lose any of its privileges, franchises or immunities, by reason of the irregularity or want of such election.



poses, and this act shall be sufficient notice to all persons claiming any interest in the same, but lands owned or belonging to any person, company or corporation, may be taken and appropriated for the purposes aforesaid, and shall be valued and paid for in the manner hereinafter provided.

SEC. 4. The capital stock of said corporation shall be five millions of dollars, divided into shares of one hundred dollars each, which shall be deemed personal property, and may be issued and transferred in such manner and at such places as may be ordered and provided by the Board of Directors; who shall have power to require the payment of sums subscribed by the stockholders of such amount, in such manner, at such times and on such terms as they deem proper; and on refusal or neglect on the part of stockholders or any of them to make payment agreeably to such requisitions, the share or shares of such delinquents may, after thirty days public notice, be sold at public, under such rules as said Board of Directors may prescribe, the surplus money, if any, remain after deducting the payments due, with interest, and the necessary costs of sale, to be paid to such delinquent stockholder. The Board of Directors hereby appointed shall cause books to be opened for the subscriptions to said stock in the city of Saint Paul, upon the acceptance of this charter, of which notice shall be given by publication in two or more newspapers published in Saint Paul, and in one or more published in St. Anthony, and said books shall remain open ten days thereafter, and the said directors may thereafter also cause books to be opened in such manner and at such other places and times as they shall direct; and may, from time to time, increase the capital stock to an aggregate amount not exceeding twenty millions of dollars, whenever they may deem it expedient for the operations of said corporation to make such increase.

SEC. 5. All of the affairs of said corporation shall be managed by a board of fifteen Directors, who shall be stockholders and a majority of whom shall be citizens of the Territory and who are hereby invested with all the powers of said corporation; they shall be chosen annually by ballot by the stockholders, at the annual meeting of the company, which shall be held on such notice and at such time as shall be prescribed by the by-laws, and at such place as shall be prescribed by the Board of Directors and stated in such notice. The votes shall be delivered in person or by proxy duly authorized, and in all cases in which stockholders shall vote, each share of stock shall be entitled to one vote, and in all elections for Directors, those stockholders equal to the number to be elected, having the greatest number of votes shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company, and if from any cause an election of Directors shall not be had at the time when, by the provisions of this act, or by the by-laws of said corporation it should be had, the same may be held at any other time on notice to be given, as aforesaid; and until such election be had the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit nor lose any of its privileges, franchises or immunities, by reason of the irregularity or want of such election.



SEC. 6. The following named persons are hereby appointed and shall constitute the first Board of Directors, whose term of office shall continue until an election shall be held and their successors duly elected as herein provided, viz: F. R. Delano, William Willim, Alex. Ramsey, Edmund Rice, R. R. Nelson, Wm. L. Ames, Richard Chute, Henry T. Wells, Abraham M. Fridley, Dwight Woodbury, Franklin Steele, S. B. Lowry, J. D. Crittenden, Charles H. Oakes, Daniel Bassett, whose duties and powers shall commence and be in force from and after the passage of this act.

SEC. 7. The said company shall have power to make, ordain, and establish all such by-laws, rules and regulations as may be deemed expedient and necessary to fulfill the purposes and carry into effect the provisions of this act, and for the well-ordering, regulating and securing the affairs, business and interests of the company; *Provided* that the same be not repugnant to the Constitution and Laws of the United States, or the laws of this Territory; and the Board of Directors shall have power to establish such rates of toll and charges for the conveyance of persons and property upon its said railroads as they shall from time to time direct and determine, and to change the same, and to levy and collect the same for the use of the said company. The width of track shall be four feet eight and a half inches, and the iron used in the track shall be of approved quality and pattern, and the railroad shall be completed, furnished and equipped in a style and of a quality equal to the average of other first-class western railroads. The construction of wheels, the form and size of cars, the weight of loads, the rate of speed, terms of running, connections with other railroads, and all other matters and things respecting the use of said railroads shall be in conformity to such rules and regulations as said Board of Directors shall, from time to time, determine and establish; *Provided*, That at all crossings of the track of said railroad or branch with the track of any other railroad, the engine or cars arriving at such crossing shall come to a dead halt or stop before crossing the same. The said company shall have the right and authority to construct their said railroad and branches upon and along, cross, under or over any public or private highway, road, street, plank road or railroad, if the same shall be necessary; but the said company shall put such highway, road, street, plank road or railroad, in such condition and state of repair, as not to impair or interfere with its free and proper use; and the said company shall have the right and authority to erect and maintain all the necessary bridges for the use of their said railroad, over any stream of water or water course, at such points of crossing, the same as they may locate the said road or branches, with all necessary abutments, piers, or other foundations; and said company shall have power to connect the said railroad or branches with any other railroad or branch thereof in this Territory or State, or in the State of Wisconsin, and to operate the same in connection with such other railroad or branch, under such name and on such terms as may be agreed upon by and between said companies, or to purchase from any other railroad company the whole or any part of any railroad or branch railroad owned by such company.

SEC. 8. A majority of the Board of Directors shall constitute a quorum for the transaction of business, and shall meet at such



times and places, and be convened in such manner as they shall decide upon, shall elect one of their own number to be President, and one to be Vice President. The President shall, when present, preside at all the meetings of the Board and of the stockholders, and when absent the Vice President shall discharge the duties of President, and in case of the absence of the President and Vice President, the Directors may appoint a President, *pro tem*. Shall have power to constitute an Executive Committee, and prescribe its powers and duties; to appoint a Secretary, Treasurer, and such Engineers, Superintendents, Agents, and other officers, as they may deem necessary; fix their compensation, and demand adequate security for the faithful discharge of their duties, and fill any vacancy which may occur in their own Board.

SEC. 9. The Directors shall issue certificates to the stockholders for the number of shares subscribed for, or held by them respectively in said corporation, signed by the President and Secretary, subject, however, to all the payments due and to become due thereon, which stock shall be transferable on the books of said company, in such manner and under such regulations as shall be provided by the by-laws of the company.

SEC. 10. At each annual meeting of the stockholders, the Directors shall make a full exhibit and statement of the affairs of the company, and of their proceedings during the previous year; and special meetings of the stockholders may be called by order of the Board of Directors, or by stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying the object of the meeting, and no business shall be transacted at such special meeting, except such as shall be particularly set forth in such notice, nor any vote taken unless a majority of all the stock of said company shall be then and there represented in person or by proxy.

SEC. 11. The said company is hereby authorized and empowered in its corporate capacity, to borrow any sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such loan may be obtained, any law on the subject of usury in this Territory or future State, or any State where such transaction may be made, to the contrary notwithstanding; and to make, execute and deliver all necessary writings, notes, bonds, mortgages, or other obligations, and securities, in amount and kind, as may be deemed expedient by said corporation, in consideration of any such loan, or in discharge of any liabilities which it may incur in the construction, repair, equipment, or operating of said road; and the powers of the said company for the purposes aforesaid, and for all purposes necessary to carrying out the object of said company, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding in law and equity upon said company, and upon all other parties to said contracts.

SEC. 12. If said company shall not, within ten days from the passage of this act, accept the same by resolution, to be duly passed by the board of Directors, and a certified copy thereof filed in the office of the Secretary of the Territory, then the same shall be null and void, and if accepted, then the said company shall, within fif-



teen months from the first day of September next, grade and complete ready for the iron all that portion of said railroad from Stillwater by way of Saint Paul to Saint Anthony, and within nine months thereafter, put in actual operation said road from Stillwater by way of Saint Paul to Saint Anthony, and thereafter the work on said line of Railroad and branch shall be completed and put in operation at the rate of not less than thirty miles in each year and within ten years from the 3d day of March 1857, the whole of said railroad and branch mentioned in said act of Congress and hereby authorized to be constructed by said company shall be completed and in actual use.

SEC. 13. Whenever the line of said railroad and branches or any part thereof shall be located, and its route determined, the said company may apply to the Supreme, District or County Court in session, or any Judge thereof in vacation, for the appointment of three commissioners to make an appraisal and award of the value of any and all lands, which are the private property of any person, on the line of said railroad and branches, or any division, or part thereof, which shall be designated in such application, and which the said company shall have entered upon, possessed, occupied, or used, or which it may thereafter enter upon, take, possess, occupy or use for any of the purposes for which by this act the said company is authorized to enter upon, take, possess, occupy, or use lands. The said company shall give notice of its intention to apply for the appointment of such commissioners by publishing the same at least ten days before the time for hearing such application, in at least one newspaper published in the county in which such land shall lie, but in case no newspaper be published in such county, then in a newspaper published in the city of St. Paul, and upon an affidavit of the publication of the same, the Court or Judge to whom the application shall be made, shall appoint three commissioners who shall have cognizance of all cases arising on the line or route of said railroad and branch, or any division or part thereof, which shall be designated by said company in such application, and they shall proceed to examine the premises in each case separately, having first given such notice as they may deem reasonable to such owner, guardian or husband, and at least five days personal notice to such owner if resident in the county, and whenever it shall appear to said company or its officers, that the title of such land is in dispute, or that several parties claim interest therein, by tax sales, tax titles, incumbrances, liens, or equitable claims, the said commissioners shall, upon request of said company, or its officers, give notice to all persons claiming any interest in such land, whether as owners, incumbrancers, or otherwise, and when the person to be notified has no known residence in this Territory or State within the knowledge of such commissioners, the notice may be by publication in a newspaper for such length of time as the commissioners shall deem reasonable, and after making such examination, the said commissioners or a majority of them, in each case separately, make an appraisal and award of the value of the land so entered upon, taken, possessed, occupied or used by said company for any of the purposes aforesaid, at the time when the same was so entered upon and taken, and shall deliver one copy of their award in each case to the said company, and shall



file another in the office of the Clerk of the Circuit or District Court of the county in which said lands shall lie, or of the county to which such county shall be attached for judicial purposes, with the costs of the award taxed upon each of said copies; and if neither party shall appeal from said award in the manner hereafter provided, the said Circuit or District Court on motion of the party in whose favor any award shall be made, for such value as aforesaid, unless such award shall have been previously paid, shall enter up judgment in conformity with such award, and in case either of the said commissioners shall die, resign or decline to act, the Supreme, District or County Court or Judge shall appoint another commissioner in his stead, and the said company or any party receiving notice from the said commissioners as aforesaid, may, within thirty days after such award shall have been filed, with the Clerk, as aforesaid, appeal from the same to the Circuit or District Court for the county in which such award shall be filed, by filing with the Clerk of said Court a written notice of such appeal, and upon receiving such notice the said Clerk shall enter the appeal as a case upon the docket of said court, setting down the owner or owners, and person or persons claiming any interest in said land, embracing all persons so having received such notice from said commissioners, as plaintiff, and the said company as defendants, and the said court shall proceed to hear and determine such case in the same manner that other cases are heard and determined in such court, and all issues of fact arising therein shall be tried by a jury, unless a jury be expressly waived by both parties, but the appellant shall not be entitled to have the case tried at any term of said court unless he shall have given notice to the appellee or his attorney, at least ten days before the first day of the term, that he will demand a trial at such term; but in case the appellee has no known residence in this Territory or State, or attorney of record residing therein, no such notice need be given; but in all cases the appellee may waive such notice, in which case the same rule for trial shall be applicable to it as to other cases in said court. After the hearing of such case, the jury, or if a jury be waived, the court shall assess the value of the lands so entered upon, taken, possessed, occupied and used, by said company, at the time when the same was entered upon and taken, and after such assessment, the court shall proceed to render judgment against said Company for the amount of said assessment in favor of the plaintiff or plaintiffs, in such case, and if the amount so assessed in favor of the said plaintiff or plaintiffs, shall exceed the amount awarded by said commissioners with interest at the rate of twelve per cent. per annum from the time of such award and the time of such assessment by the jury or court, then judgment shall be rendered against said company for costs; and when the appeal shall be taken by the claimant, and it shall not exceed such amount and interest as aforesaid, then judgment shall be rendered in favor of said company for costs, and when the appeal shall be taken by the claimant, and it shall not exceed such amount and interest as aforesaid, then judgment shall be rendered in favour of said company for costs, and against the said plaintiff or plaintiffs, and execution may issue accordingly. Either party shall be entitled to a change of venue for the trial of such cause on affidavit filed



stating the belief of the affiant that a fair trial cannot otherwise be had; the change of venue shall be to the nearest county where a fair trial can be had. The judgment of the said court may be reviewed on writ of error, as other cases at law. Whenever the commissioners shall make an award as aforesaid, and no appeal shall be taken from the same, or whenever in case of appeal a final judgment shall be rendered, it shall be the duty of the company, and not before, to pay to the party entitled to the same, the amount of said award or judgment; and in any case where there shall be any lien, incumbrance, tax sale, tax title or equitable claim to or upon the land or any part thereof, which is the subject matter of such award or judgment, or when more than one person shall be entitled to, or shall set up any claim to the amount of such award or judgment, or any part of it, or when the person entitled to receive the same shall not have any known residence within the Territory or State, the said company may deposit the amount of such award when there is no appeal, with the clerk of the court with whom the award in the case shall have been filed, and in case of an appeal and judgment thereon, the company may deposit the amount of such judgment with the clerk of the court in which such judgment shall have been rendered, and the money so deposited in either case, shall be paid over by order of the court to the person or persons who shall be adjudged by the court to be entitled to receive the same; and whenever the amount of such award or judgment shall have been paid, or tendered or deposited as aforesaid, an absolute estate in fee simple in such lands, shall be and become vested in the said company, as against all persons so receiving notice from the said commissioners as aforesaid, and all such persons as having received such notice, shall be forever concluded from questioning such title so acquired by the said company, and the said company shall have full power and authority after entering upon and taking any such lands, to have, hold, possess, occupy, use and enjoy the same for any of the lawful purposes of the said company, from the time of such entry and taking, until the proceedings contemplated by the act shall have been finally determined, and until said company shall have refused, after demand made, to pay the value of said land so ascertained as aforesaid; and they shall not during such time, nor until such refusal, be disturbed in such possession or occupancy, use or enjoyment, by any proceedings either in law or equity.

Sec. 14. If any person shall wilfully and knowingly injure or destroy any part or portion of the Railroads so to be constructed, or any works, building, or machinery, attached to or in use upon the same belonging to said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said railroad, such person or persons so offending, shall each of them, for every such offence, forfeit and pay to said company three times the amount of damages caused by such offence, which may be recovered in the name of said company, by action of debt in any court having competent jurisdiction, and shall also be subject to indictment, and on conviction of any such offence, shall be punished by fine and imprisonment, not exceeding ten years in the State Prison, or either, at the discretion of the court; and in case any accident shall occur in consequence of any such obstruction or damages to



said road or machinery, whereby the death of any person shall be caused, the person so offending, shall, on conviction, be adjudged guilty of murder in the first degree, and punished accordingly in such manner as shall be prescribed by the statutes for the punishment of murder in the first degree.

SEC. 15. The property of every person vested in the stock of said company, shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law, but no tax shall ever be levied on the stock shares of said company, except the yearly payment to be made by said company, as herein provided, and the shares held by any stockholder when taken in payment of any other debt or liability of such stockholder, shall be subject to all indebtedness and claims of every kind in favor of said company, against the holder of said stock, which indebtedness and claims shall be fully paid, before said company shall be required to transfer said stock to any purchaser thereof, and before any such purchaser shall acquire any right or title thereto.

SEC. 16. For the purpose of aiding in the construction of the railroads hereby authorized, all the interest and estate present and prospective, of this Territory, and of the future State, which shall succeed it, in or to any or all the lands granted by the Government of the United States to the Territory of Minnesota for the purpose of aiding in the construction of a railroad from Stillwater by way of St. Paul and St. Anthony, to a point between the foot of Big Stone Lake, and the mouth of Sioux Wood River, with a branch via St. Cloud and Crow Wing, to the navigable waters of the Red River of the North, to the point hereinbefore mentioned, agreeably to the terms of an act of Congress, entitled, "An act making a grant of land to the Territory of Minnesota in alternate sections, to aid in the construction of certain Railroads in said Territory, and granting public lands in alternate sections to the State of Alabama, to aid in the construction of a certain Railroad in said State," approved March 3rd, 1857: together with all and singular the rights, privileges and immunities, conferred or intended to be conferred by said Act of Congress, are hereby granted to said Minnesota and Pacific Railroad Company, conditioned that said land shall be exclusively applied to the construction of that road for which it was granted; *And Provided*, that the title of said land shall vest in the said Minnesota and Pacific Railroad Company in the manner following, that is to say: Whenever twenty or more continuous miles of said road shall have been located, the Governor of the Territory or future State shall certify the same to the Secretary of the Interior, and thereupon the title to one hundred and twenty sections of said lands shall vest in the said Company; and when twenty continuous miles of said road shall have been completed so as to admit of running regular trains on the same, the Governor shall certify the same to the Secretary of the Interior, and thereupon a further quantity of one hundred and twenty sections of said lands shall vest in said company, until said roads are completed; and it shall be the duty of the Governor so to certify to the Secretary of the Interior, whenever any such twenty miles are completed so as to admit of running regular trains of cars over the same, and the Governor shall in his official capacity, and on behalf of the Territory or State, and under the great seal thereof, execute and deliver to the said



Minnesota and Pacific Railroad Company, whenever it shall by virtue of the provisions of this Act, be entitled to any of said lands, a deed in fee simple of any and all of the lands to which said company shall be entitled.

SEC. 17. The location and designation of the route and line of said railroad and branch shall be made by said company, and reported to the Governor from time to time, and as fast as the same shall be definitely located and established, and the selection of the lands provided for by the act of Congress aforesaid, shall be made as soon thereafter as practicable, by said company, or such agents as it may designate, under the appointment of the Governor of the Territory or future State of Minnesota, such selections, as well as the survey of said roads and the compensation of such agents, shall be at the cost and charge of said company, without charges of any kind upon the Territory or future State, and said railroad so constructed by the application of the proceeds of the lands hereby granted, shall be and remain public highways for the use of the Government of the United States, free from any toll or other charge upon the transportation of troops and military property of the United States; and the United States mail shall be transported over said road and branch, under the directions of the Post Office Department, at such price as Congress may by law direct: *Provided*, That until such price is fixed by law of Congress, the Postmaster General shall have the power to determine the same.

SEC. 18. In consideration of the grants, privileges and franchises herein conferred on the said Minnesota and Pacific Railroad Company, the said company shall and will, on or before the first day of March in each year, pay into the Treasury of the Territory or future State, three per *centum* of the gross earnings of the said railroad, for the year ending on the last day of the preceding December, in lieu of all taxes and assessment whatever; and for the purpose of ascertaining the said earnings an accurate account shall be kept by said company of all receipts and expenditures on account of the operation of said railroads, and abstracts thereof, shall be furnished by said company to the Treasurer of the Territory or State, on or before the first day of February in each year, the truth of which shall be verified by the affidavits of the Secretary and Treasurer of said company; and for the purpose of ascertaining the truth of said affidavits, and the correctness of such abstracts, full power is vested in the Governor, or any other person appointed as may be by law prescribed, to examine the books and papers of said company, and to examine under oath the officers, agents and employees of said company, and other persons, and if any person so examined by the Governor or other authorized person, shall knowingly and wilfully swear falsely concerning the matters aforesaid, every such person is hereby declared to have committed perjury; and for securing to the Territory or State the payment of the aforesaid per centum, it is hereby declared that the State shall have a lien upon the railroads of the said company, and upon all other property, estate and effects of the said company, whether real, personal or mixed, and the lien hereby secured shall take and have precedence of all demands, decrees and judgments against the said company. The first payment shall be made on the first day of March next after fifty miles of said railroad shall be



completed, and such payment shall be in lieu of all taxes and in full of all claims of the Territory or State for the grant hereby made, and in consideration of such annual payments the said company shall be forever exempt from all assessments and taxes whatever by the Territory or State which shall succeed the Territory, or by any county, city, town, village or other municipal authority in the Territory or State, upon all stock in the said "Minnesota and Pacific Railroad Company," whether belonging to said company or to individuals, and upon all its franchises or estate, real, personal or mixed, held by said company, and said land granted by said act of Congress hereby authorized to be conveyed to the said Minnesota and Pacific Railroad Company shall be exempt from all taxation till sold and conveyed by said company.

SEC. 19. The said "Minnesota and Pacific Railroad Company," shall have full power and authority to transport persons and property in boats, vessels, barges, or other water craft, on any navigable water which any portion of its railroads may run to or connect with, and to receive and collect such tolls and charges therefor as said company shall from time to time fix and determine; and for that purpose may purchase, build and own such vessels, boats and barges, or other water craft as it may require.

SEC. 20. The said Minnesota and Pacific Railroad Company shall be capable in law of taking and holding any lands granted by the Government of the United States, or of this Territory, or of the future State, or by other parties, which shall be conveyed to it by this act or by deed, gift or purchase, or by operation of law, and may mortgage, pledge, sell and convey the same, or otherwise dispose of all their right, title, interest, claim or demand of, in, and to any such lands so granted to said company, and in any other estate, real, personal or mixed, of which said company may be seized, or which it may acquire subsequently thereto, in such manner and on such terms as the directors may think proper.

SEC. 21. The said company is hereby authorized and empowered in its corporate capacity, to make, execute, issue and deliver its bonds or obligations in any amount which the directors may deem necessary or expedient: *Provided*, That the faith of the Territory or future State of Minnesota shall be in nowise pledged for the redemption of said bonds, and that no banking privileges are hereby granted to said company; and the directors of said company are hereby authorized and empowered to prescribe the sum or sums for which each of said bonds shall be issued, the time or times and place or places, when and where the principal and interest of the same shall be payable, the person or persons, trustee or trustees, or corporation to whom they shall be payable, and whether payable to order or to bearer, or how otherwise negotiable, the rate of interest which said bonds shall bear, and the manner and form in which the interest coupons annexed to them shall be executed, and to secure the payment of all or any of said bonds, the said company is hereby authorized and empowered in its corporate capacity, to make, execute and deliver one or more mortgages, or deeds of trust upon the whole or any part of its railroad or branches, constructed or authorized to be constructed, and of the estate granted by the act, and any or all other of their estate, real, personal, or mixed, in possession or expectancy; and said company is



also hereby authorized and empowered in and by such mortgage or deed of trust, to confer upon the trustee or mortgagee, full and ample powers to enter into and upon and to take possession of, have, use, and employ, or to sell or dispose of the whole, or any part of said railroad and branches, and all corporate and other franchises, rights and privileges of the said company; and in case of any such sale, to grant and convey to the party or parties acquiring title under any such sale, and their associates, successors and assigns, all and the same rights, privileges, grants, franchises, immunities and advantages in and by such mortgage or deed of trust enumerated and conveyed, which belonged to and were enjoyed by the said company, as fully and absolutely in every respect as the said company, its stockholders, officers and agents might or could have done if such sale or foreclosure had not taken place.

And the Directors of said company are hereby authorized and empowered to prescribe by resolution to be by them adopted, all matters relating to the form and terms of any such mortgage or deed of trust, and of its execution and delivery; and they are authorized to provide for the periodical payment to such trustee or receiver as they shall appoint a certain sum to create a sinking fund with which to pay off and discharge at or before maturity any or all of the bonds by them authorized to be issued, and also to provide the manner in which such trustee or receiver shall pay out or dispose of said sinking fund, and to authorize him to designate by lot, or any other suitable manner, the bond or bonds to the payment of which said sinking fund or any part thereof shall be applied; and the said company is hereby fully authorized and empowered, by its agents, or brokers, or otherwise, at any place, to sell, loan, pledge, hypothecate, or otherwise dispose of any or all of the aforesaid bonds hereby authorized to be issued, at par or at any price less than par, and for such sum or sums and on such terms as to the said company or its agent or brokers, shall appear most for the interest of said company. And any such mortgage or deed of trust, and every discharge or satisfaction thereof, may be recorded in the office of the Secretary of the Territory or future State of Minnesota, in a proper book kept for that purpose, and the certificate of such recording endorsed on such mortgage or deed of trust shall have the same effect as if recorded in the several counties through which such road may run, or in which such land may be, and such record in the office of the Secretary shall be sufficient notice to all persons.

SEC. 22. All the property which the said Minnesota and Pacific Railroad Company is authorized to take, possess, hold, use or enjoy by making payment therefor, as in this act provided, is hereby declared to be taken for public use, so soon as the said company shall so take, possess, hold or use the same.

SEC. 23. Every conductor, baggage master, engineer, brakeman or other servant of such corporation, employed in a passenger train or at stations for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, initial letters, or style of the corporation. No conductor or collector without such badge shall demand or be entitled to receive from any passenger, any fare, toll or ticket, or exercise any of the powers of his office, and no other of said officers or servants without such badge, shall have any au-



thority to meddle or interfere with any passenger, his baggage or property.

SEC. 24. A bell of at least thirty pounds weight or a steam whistle shall be placed on each locomotive engine, and shall be rung or whistled at the distance of at least eighty rods from the place where said road shall cross any other road, and be kept ringing or whistling at intervals until it shall have crossed said road or street, under a penalty of fifty dollars for every neglect, to be paid by said corporation, one-half thereof to go to the informer, and the other half to the Territory or future State of Minnesota, and to be liable for all damages by reason of such neglect. Said corporation shall cause boards to be placed, well supported by posts or otherwise, and constantly maintained across each public road or street where the same is crossed by the Railroad, on such elevation as not to obstruct the travel, and to be easily seen by travelers, and on each side of said board shall be painted in capital letters of at least the size of nine inches each, the words, "Railroad Crossing! Look out for the Cars!" But this provision shall not apply to streets of cities or villages, unless the corporation be required to put up such boards by the officers having charge of such streets. Said company shall construct and maintain a good, substantial board or rail fence, four and one-half feet high, along said railroad in the line of the lands by this act granted to them, and shall construct and maintain cattle guards, wherever the same may be necessary, sufficient to keep cattle, sheep, horses and hogs from off the track of said railroad, whenever required by the Board of County Commissioners, of the counties respectively through which said road shall pass, and shall be liable for all damages sustained by any person by reason of any neglect to keep and maintain such fence or cattle guard in good repair.

SEC. 25. Said Company is hereby authorized and shall have full power to locate, construct and operate a Railroad with one or more tracks, from Winona up the Valley of the Mississippi river to St. Paul, and to extend its line of Railroad from its terminus at a point between the foot of Big Stone Lake and the mouth of the Sioux Wood river to any point on the Missouri river north of the forty-fifth parallel of north latitude, and to increase its capital stock equal to the full cost of said road and extension.

SEC. 26. Said Company shall also have power and authority to construct and operate a line of Magnetic Telegraph along any or all its railroads or branches in this Territory or future State of Minnesota.

SEC. 27. The Minnesota and Pacific Railroad Company shall not at any time consolidate with any Railroad Company owned or operated outside the Territory or State of Minnesota, without the authority of the Legislature of said Territory or State. All the Railroads in this Territory shall be of uniform gauge or width of tracks, which shall be, and is hereby established at four feet and eight and one-half inches.

SEC. 28. This Act is hereby declared to be a public act, and shall be favorably construed to effect the purposes thereby intended, and copies thereof printed by authority of the Territory or State of Minnesota, shall be received as evidence thereof in all cases.

SEC. 29. This chapter one of this Act shall take effect and be in force from and after the passage of this act.



## CHAPTER II.

SECTION 1. The Transit Railroad Company is hereby authorized and empowered to survey, locate, construct, complete, and perpetually to have, use, maintain and operate the Transit Railroad, with one or more tracks or lines from the city of Winona, on the most direct and feasible route by way of St. Peter to the Big Sioux river, south of forty-fifth parallel of north latitude; and shall have, possess, exercise and enjoy by the same rights, privileges, functions, franchises, authority and immunities (with reference to the said route or any Railroad to be built thereon,) and there is hereby conferred upon the Transit Railroad Company all the power and authority contained in the charter of said Company, passed by the Legislative Assembly of the Territory of Minnesota, entitled "An Act to Incorporate the Transit Railroad Company," approved March 3d, 1855, for the purpose of carrying out the objects of this act, and of appropriating and applying the lands hereinafter in this act granted, or their proceeds, to aid in the construction of Railroads by this act authorized to be built—and the whole of the Railroad or said road hereby authorized to be constructed, shall be constructed by said Transit Railroad Company within ten years from the third day of March, A. D. 1857. The Transit Railroad Company shall never set up the defence of usury to any contract in any court whatsoever.

SEC. 2. For the purpose of aiding in the construction of the Railroad which by this act the Transit Railroad Company is authorized to construct, all the interest and estate, present and prospective, of this Territory, and future State, in or to any and all the lands granted by the Government of the United States to the Territory of Minnesota, for the purpose of aiding in the construction of a Railroad from Winona via St. Peter to the Big Sioux river south of forty-fifth parallel of north latitude, by virtue of an act of Congress entitled "An Act making a Grant of Land to the Territory of Minnesota, in alternate sections, to aid in the construction of certain Railroads in said Territory, and granting public lands in alternate sections to the State of Alabama, to aid in the construction of a certain Railroad in said State," approved March 3d, 1857, together with all and singular the rights, privileges and immunities conferred or intended to be conferred upon said road by the said act of Congress, are hereby granted to and vested in the said Transit Railroad Company: *Provided*, that the said lands shall be exclusively applied to and used by said Transit Railroad Company in the construction of a Railroad from Winona via St. Peter to a point on the Big Sioux river south of the forty-fifth parallel of north latitude, and shall be disposed of only in the manner prescribed in said act of Congress, approved March 3d, 1857, and shall be applied to no other purpose whatsoever.

SEC. 3. The location and designation, and any change or alteration of the route and line of said Railroad, shall be made by the Transit Railroad Company, and the same shall from time to time and as fast as practicable be reported to the Governor of the Territory or future State of Minnesota. The selecting of lands provided for in the act of Congress hereinbefore mentioned, and herein vested in said Transit Railroad Company, shall be made by such



agent or agents as shall be appointed by the Governor of this Territory or future State of Minnesota, who is hereby required to appoint the same upon the request of said company; compensation of such agents shall be at the cost and charge of said company without charge of any kind upon the Treasury of this Territory or future State of Minnesota—said Railroad which shall be constructed by the application of funds derived from the lands herein granted shall be and remain a public highway for the use of the Government of the United States, free from any toll or other charge upon the transportation of property or troops of the United States; and the United States mail shall be transported over said Railroad under the direction of the Post Office Department as provided in said act of Congress.

SEC. 4. The said lands so granted shall be and are exempted from all taxation until the same shall have been sold and conveyed by said Company. In consideration of the grant of land and other franchises and privileges hereby confirmed in and conferred on the Transit Railroad Company, the said Company shall pay into the Treasury of the Territory or State of Minnesota three per cent upon all the gross earnings of said road, the amount of the gross earnings to be ascertained by the verified statement of the President and Treasurer of said company as hereinbefore provided for; and the said three per cent shall be so paid into the Treasury of the Territory or future State of Minnesota within sixty days after any portion of the said road shall be operated and annually thereafter; and the same when paid, shall be in lieu of all taxes whatever.

SEC. 5. The said Transit Railroad Company shall have full power and authority to transport persons and property in boats, vessels and barges, or other water craft on any navigable stream or water which their said road may run to or connect with, and to collect and receive reasonable compensation for the same; and for that purpose may purchase or hold and own such vessels, boats, or other craft, as may be required for the purpose aforesaid.

SEC. 6. The said Transit Railroad Company shall be capable in law, of taking and holding any lands granted by the Government of the United States, or of this Territory, or future State of Minnesota, to aid in the construction of Railroads, which shall be conveyed to said company by this act, or by deed, in fee simple, or any lesser estate, or by operation of law. And they may also borrow money, issue bonds or other evidences of debt, to secure the same; and may also mortgage, or pledge, or otherwise dispose of all their right, title, claim or demand, of, in, or to, any lands, or interest in lands, granted to said company by this act, and in any other estate, real, personal, or mixed, of which they may be seized at the time of execution of such mortgage, on which they may acquire subsequent thereto, in such manner and on such terms as the Directors may think proper.

SEC. 7. Whenever any twenty continuous miles of said Railroad shall be completed, it shall be the duty of the Governor of this Territory, or future State, to certify that fact to the Secretary of the Interior, and so from time to time, as often as twenty more continuous miles of said road shall be completed.

SEC. 8. The Root River Valley and Southern Minnesota Rail-



road Company shall have at all times the right to send passengers and freight over the Transit Railroad, at as low rates and charges per mile, as the said Transit Railroad Company may charge over any portion of their said road.

SEC. 9. Said Transit Railroad Company shall have full power and authority to extend its line of Railroad from its terminus on the Big Sioux river to any point on the Missouri river, south of the forty-fifth parallel of north latitude.

SEC. 10. This chapter two of this act shall take effect and be in force from and after the passage of this act.

### CHAPTER III.

SEC. 1. The Root River Valley and Southern Minnesota Railroad Company, are hereby authorized and empowered to survey, locate, construct, and complete, and perpetually to have, use, maintain, and operate a railroad, with one or more tracks, or lines from La Crescent via Target Lake up the Valley of Root River, to a point of junction at Rochester (with a Railroad from Winona via St. Peter to a point on the Big Sioux River, south of the forty-fifth parallel of north latitude) east of range seventeen, in the Territory of Minnesota, Provided the last mentioned railroad is operated and constructed by way of Rochester, in accordance with the act of Incorporation of said Root River Valley and Southern Minnesota Railroad Company, approved March 2nd, 1855, and all subsequent amendments thereto.

SEC. 2. The said Root River Valley and Southern Minnesota Railroad Company, are hereby authorized and empowered to survey, locate, construct, complete, and perpetually to have, use, maintain, and operate a railroad, with one or more tracks or lines from St. Paul and St. Anthony, via Minneapolis, to a point of junction at Shakopee City, in the county of Scott, and thence via Belle Plaine, Clarksville, Leseur, Travers de Sioux, St. Peter, Kasota, Mankato and South Bend to the Southern boundary of the Territory of Minnesota in the direction of the mouth of the Big Sioux River, and for these purposes shall have, possess, exercise and enjoy the same rights, privileges, and immunities with reference to the said routes, or any route of railroad in this act provided for, or any railroad to be built thereon, as it now possesses and enjoys, with reference to the roads described in the act of Incorporation of said company, and the amendment thereto.

SEC. 3. All the lands, interests, rights, powers, and privileges granted to, and conferred upon the Territory of Minnesota in and by virtue of an act of Congress, approved March 3, 1857, entitled "An act making a grant of land to the Territory of Minnesota, in alternate sections, to aid in the construction of certain railroads in said Territory, and granting public lands in alternate sections to the State of Alabama, to aid in the construction of a certain railroad in said State," applicable to the said roads or lines above mentioned, are hereby disposed of and conferred to and upon the said Root River Valley and Southern Minnesota Railroad Company subject to the provisions hereinafter set forth and the provisions of the Act of Congress aforesaid.



SEC. 4. The whole of said Railroads herein authorized and required to be constructed, shall be completed by the said Root river Valley and Southern Minnesota Railroad Company within ten years from the 3d day of March, A. D. 1857, and that portion of the road aforesaid from St. Paul to St. Peter, and from St. Anthony via Minneapolis to the point of junction at Shakopee City, shall be completed within four years from the first day of January, A. D. 1858: *Provided*, That that portion of the road from St. Anthony via Minneapolis to the point of junction shall be commenced and built as soon as that from St. Paul, and the said Company shall never set up the defence of usury to any contract whatever.

SEC. 5. The said Root River Valley and Southern Minnesota Railroad Company are hereby authorized and required to construct a Railroad with one or more tracks, from a point of junction with the first mentioned road at or near Hokah, to the village of Brownsville, in the county of Houston, which branch road shall be completed within three years from the approval of this act: *Provided*, that nothing herein contained shall conflict with the said Act of Congress, with the privilege of extending the said branch to the south line of the Territory of Minnesota, and the said Root River Valley and Southern Minnesota Railroad Company is hereby authorized and empowered to survey, locate, construct, and complete, and perpetually to have, use, maintain and operate a Railroad with one or more tracks, from the western terminus of the Railroad herein authorized to be constructed by the said Company (from St. Paul to the southern boundary of the Territory of Minnesota, in the direction of the mouth of the Big Sioux river, in a westerly direction to the Missouri river) and for these purposes the said Company shall have, possess, exercise and enjoy the same rights, privileges, franchises, authority and immunities with reference to the said routes so extended, or any railroads to be constructed thereon, and is granted to said Company by their act of incorporation.

SEC. 6. The Minneapolis and Cedar Valley Railroad Company, is hereby authorized to survey, locate, construct, complete, and perpetually to have, use, maintain and operate with one or more tracks, a railroad from Minneapolis, in the direction of Faribault to a point of junction (with the aforesaid railroad from St. Paul to the southern boundary of the Territory of Minnesota) in the direction of the mouth of the Big Sioux river, said point of junction to be in the county of Dakota, from one to six miles from Mendota, in a southerly direction, thence from said junction or crossing of the said road from St. Paul via Faribault to the south line of the Territory of Minnesota, west of range sixteen, and for that purpose shall have, possess, and enjoy and exercise the same rights, privileges, franchises and immunities with reference to the said route or any Railroad to be constructed thereon, as it possesses or enjoys, in reference to the road described in the act of Incorporation of said Company, and all the lands, rights, powers, privileges, and interests granted to, and conferred upon the Territory of Minnesota, in and by virtue of the said act of Congress, approved March 3, 1857, entitled "An Act making a Grant of Lands to the Territory of Minnesota, in alternate sections, to aid in the construction of certain railroads in said Territory, and granting public lands to the State of Alabama, to aid in the construction of a certain railroad in said



State" applicable to the said road or route; shall be and are hereby disposed of, granted and conferred to and upon the said Minneapolis and Cedar Valley Railroad Company, subject to the terms, conditions and provisions hereinafter set forth; and of the said act of Congress, and the whole of said railroad hereby authorized to be constructed by the said Minneapolis and Cedar Valley Railroad Company shall be completed within ten years from the 3rd day of March, A. D. 1857, and the said company shall never set up the defence of usury to any contract in any court whatever.

SEC. 7. For the purpose of aiding in the construction of the railroads which by this act the several railroad companies mentioned in this act, are authorized to construct all the interest and estate, present and prospective of the said Territory and future State, in or to any and all the lands granted by the Government of the United States to the Territory of Minnesota for the purpose of aiding in the construction of the roads herein set forth by virtue of the act of Congress, entitled "An Act making a Grant of Land to the Territory of Minnesota, in alternate sections to aid in the constructions of certain Railroads in said Territory, and granting public lands in alternate sections to the State of Alabama to aid in the construction of a certain railroad in said State," approved March 3rd, A. D. 1857, together with all and singular, the rights, privileges and immunities conferred or intended to be conferred upon said railroads by the said act of Congress, are hereby granted to, and vested in said railroad companies respectively. *Provided*, That the said lands shall be exclusively applied to and used by said railroad companies respectively in the construction of the aforesaid railroads, and shall be disposed of only in the manner prescribed in said act of Congress.

SEC. 8. The location and designation and any change or alteration of the route and line of said railroad shall be made by the aforesaid railroad companies respectively. And the same shall be from time to time and as fast as practicable, reported to the Governor of the Territory or future State of Minnesota. The selecting of lands provided for in the act of Congress hereinbefore mentioned and herein vested in said companies, shall be made by such agent or agents as shall be appointed by the Governor of this Territory or future State of Minnesota, who is hereby required to appoint the same. Compensation of such agents shall be at the cost and charge of said companies without charge of any kind upon the Treasury of the Territory or future State of Minnesota. Said Railroads which shall be constructed by the application of funds derived from the lands herein granted, shall be and remain a public highway for the use of the Government of the United States, free from any toll or other charge upon the transportation of property or troops of the United States and the United States Mail shall be transported over said railroads, under the direction of the Post Office Department as provided in said act of Congress.

SEC. 9. The said lands so granted shall be and are exempt from all taxation until the same shall have been sold and conveyed by said companies. But so soon as the said companies shall have respectively constructed, equipped and put in operation fifty miles of railroad for the transportation of freight and passengers, the said companies shall severally pay into the Treasury of the Territory or



State of Minnesota, in lieu of all taxes whatsoever, upon the property of said companies respectively the sum of three per cent annually, on the gross earnings of each of the said roads said gross earnings, to be ascertained by a statement under the oaths of the President and Treasurer of each of the said roads, which statement shall be filed on or before the first day of January in each year in the office of the Governor of the Territory or future State of Minnesota, said payments to be made annually, within sixty days after the filing of the statements aforesaid, and the Governor shall have the right to appoint a commissioner to examine the books and accounts of said company at any time.

SEC. 10. The said railroad companies shall have full power and authority to transport persons and property in boats, vessels, barges, and other water crafts, on any navigable river, stream or water, which their said road may run to, or connect with, and to collect and receive reasonable compensation for the same, and for that purpose may purchase or hold and own such vessels, boats or other craft as may be required for the purpose aforesaid; *Provided, however,* the provisions of this section shall not interfere with, or apply to the ferry rights, privileges, and franchises heretofore granted by the Legislature of this Territory.

SEC. 11. The said railroad companies shall be capable in law of taking and holding any lands granted by the Government of the United States, or of this Territory or future State of Minnesota, to aid in the construction of railroads, which shall be conveyed to these companies by this act or by deed in fee simple or any lesser, estate, or by operation of law. And they may also borrow money, issue bonds or other evidences of debt, to secure the same, and may also mortgage or pledge, or otherwise dispose of all their right, title, claim or demand of, in, or to any lands granted to said companies, or either of them, by this act, and in any other estate, real, personal or mixed, of which they may be seized at the time of the execution of such mortgage, or which they may acquire subsequent thereto, in such manner and on such terms as the directors may think proper.

SEC. 12. When any continuous twenty miles of either of said Railroads shall be completed, it shall be the duty of the Governor of this Territory or future State, to certify that fact to the Secretary of the Interior, and so from time to time, as often as twenty more continuous miles of said railroads are completed, and said lands shall become the property of the respective companies herein mentioned in accordance with the provisions of the act of Congress making the grant of lands to the Territory of Minnesota, approved March 3d, 1857, heretofore referred to in this act.

SEC. 13. The Minneapolis and Cedar Valley Railroad Company shall at all times have the right to use the road, track, switches, depots, and grounds of the said Root River Valley and Southern Minnesota Railroad Company from the junction of the aforesaid Railroads to the City of St. Paul, with its engines, tender, cars and all other carriages necessary or convenient for the transportation of freight and passengers, and by its servants and officers to fully and freely enter upon, occupy and use the same in the transaction of its business to and from the said City of St. Paul, on such terms and conditions as shall be agreed upon by said companies and in case



the said companies shall not be able to agree in reference to said terms, either party may apply to the Governor of the Territory, or Jtate, on ten days' notice, for the appointment of three disinterested persons, one of whom shall be an engineer to decide upon the terms and conditions of such use, and the compensation to be paid for the use of said roads, tracks and depots, as herein provided, and the award of the persons so appointed as aforesaid, shall be final and conclusive.

And the said Minneapolis and Cedar Valley Railroad Company are hereby authorized at any time to build and construct from the said junction to the city of St. Paul, on the line or route, and on the lands of the said Root River Valley and southern Minnesota Railroad Company, or any portion of the same, one or more separate tracks, with the necessary side tracks, turnouts, switches and other conveniences, and also to locate, build and construct from any other point on their said road, a like road to and from St. Paul and from any point on said road a like road to Hastings, with all necessary side track, turnouts, switches, depots, and other conveniences for the transportation of freight and passengers, and are hereby authorized to take, acquire and hold, at St. Paul and elsewhere all necessary depot grounds, and other real estate in the same manner as provided in their act of Incorporation. And it is also hereby further provided, that all and singular the rights and privileges hereinbefore granted to the Minneapolis and Cedar Valley Railroad Company, into and over the track, depots and lands of the Root River Valley and southern Minnesota Railroad Company, and also to construct another track on the lands of said Company, be and the same are hereby granted and conferred to and upon the said Root River Valley and southern Minnesota Railroad Company over the lands of the Minneapolis and Cedar Valley Railroad Company, in and to, and over the line, route and lands of the Minneapolis and Cedar Valley Railroad Company, from said junction, or any other point on their said line, to St. Anthony, upon the same terms and conditions, in all respects, as is hereby granted and provided for said Minneapolis and Cedar Valley Railroad Company, in, to and over the lines of road, track and lands of the said Root River Valley and southern Minnesota Railroad Company.

Sec. 14. If it shall be found, after the selection of lands is made, that there is a greater quantity of land in proportion to distance included in the grant to the Root River Valley and southern Minnesota Railroad, on the line of road to be constructed by said Company, from St. Paul and from St. Anthony by way of Minneapolis to the southern boundary of the Territory, as herein described, than on the line of road to be constructed by the Minneapolis and Cedar Valley Railroad Company, in proportion to the number of miles of route to be constructed by said Company, the Governor of the Territory or State, at the request of the company upon whose line the deficiency may exist, shall appoint an agent to select and set apart from the lands on the line of the road, having such excess of quantity, a sufficient amount of lands on such line, of average quality, location and value, to equalize the quantity of lands to each company. it being intended that each company are to equally share the lands granted on both lines, in proportion to the distance of roads to be constructed by each, and the lands so selected and set



apart, shall vest in, and become the property of said company so entitled to receive them on the report of the commissioners, as aforesaid, such selection and report being confirmed by the Governor, *Provided*, That nothing herein contained shall be taken or construed to authorize the appropriation of any of the lands granted to the road from St. Paul and from St. Anthony, via Minneapolis, to the Iowa line in the direction of the mouth of the Big Sioux River, or the branch thereof, via Faribault to the Iowa State line, to the construction of the road from La Crescent to the junction with the road from Winona via St. Peter to the Big Sioux River, south of the forty fifth parallel of north latitude; *And provided further*, That nothing herein contained shall conflict with the said act of Congress.

SEC. 15. The Root River Valley and Southern Minnesota Railroad Company are hereby authorized and required to elect six additional directors (five of whom shall be from along the line of the road mentioned in this section,) to the number already authorized by their act of incorporation. And the persons so elected shall remain in office until the next annual election, and at said annual election and at all future elections, by the stockholders of said company, one third of said board of directors shall be elected from citizens residing upon the roads leading from St. Paul and from St. Anthony via Minneapolis, to the Iowa line in the direction of the mouth of the Big Sioux River.

SEC. 16. The Root River Valley and Southern Minnesota Railroad Company, and the Minneapolis and Cedar Valley Railroad Company, shall within forty days after the passage of this act cause their books to be opened and kept open for ten days, or until one million of dollars to the capital stock in each of said companies shall have been subscribed subject to the provisions of their charter and by-laws respectively, said books to be opened at St. Paul and Minneapolis, Shakopee and St. Peter, notice of which shall be published in some newspaper printed at each of the above named places at least two weeks before said books are so to be opened. The said Minneapolis and Cedar Valley Railroad Company, and the Root River Valley and Southern Minnesota Railroad Company shall have full power and authority to become united and consolidated in a single corporation with any other Railroad Company in this Territory on such terms and conditions as the Board of Directors of said respective Companies may agree to and prescribe, and such consolidation may be authorized by the said Board of Directors at any regular meeting of said Board called for that purpose. When articles of consolidation shall be duly entered into and agreed upon by the Directors of the respective Companies interested, they shall be submitted to the stockholders of the several companies for their approval, and if the stockholders holding a majority of the capital stock in each of the respective companies so interested, shall approve the same, then they shall be subscribed by the President and Secretary of each of said companies and a duplicate thereof shall be filed in the office of the Secretary of the said Territory or State, and all the rights, interests, powers, privileges, franchises and property conferred upon such companies respectively by their act of Incorporation, or by this act, or held and enjoyed by said Companies under their respective charters shall vest in, and be held,



used, exercised and enjoyed by the said consolidated Company under the corporate name chosen and designated in the said articles of agreement and consolidation as fully, amply, and effectually to all intents and purposes whatsoever, as if the same had been directly granted to or acquired by said consolidated Company. The immediate government and direction of said consolidated Company shall be vested in such number of Directors as may be fixed and agreed upon in the articles of consolidation.

SEC. 17. The said Companies shall respectively within thirty days after the passage of this act accept the same, and the acceptance shall be by a resolution adopted by the Board of Directors, a copy of which duly certified by the Secretary of the Company shall be deposited in the office of the Secretary of said Territory within the time aforesaid.

SEC. 18. This act shall take effect and be in force from and after its passage.

SEC. 19. All the different Companies mentioned in this act shall construct and maintain a good and substantial board and rail fence four and one half feet high on both sides of their respective roads and shall construct and maintain cattle-guards wherever the same may be necessary, sufficient to keep cattle, sheep, horses and hogs from off the track of said road, and shall be liable for all damages sustained by any person by reason of any neglect to keep and maintain such fence and cattle-guards in good repair. Said Company shall make and keep in repair such farm crossings as shall be necessary to accommodate the several land owners through which the said roads pass.

SEC. 20. The lands authorized to be taken by the said several Companies for right of way and depot grounds shall be deemed to be taken for public use.































